

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ OCT 02 2012 ★

DOMINICK PIZZONIA

BROOKLYN OFFICE

ORDER
12-CV-2450 (JBW)

Petitioner,

-V-

UNITED STATES OF AMERICA

Respondent.
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JACK B. WEINSTEIN, Senior District Judge:

Petitioner seeks to vacate his sentence pursuant to 28 U.S.C. § 2255 for ineffective assistance of trial and appellate counsel.

For the reasons stated orally on the record, the case is dismissed on the merits and with prejudice. The petition is time-barred. Petitioner makes no showing that would warrant equitable tolling for the period that would need to be tolled for the petition to be deemed timely. Even if the petition were not time-barred, the ineffective assistance of counsel claims are frivolous and lack constitutional basis.

A certificate of appealability is denied since no non-frivolous constitutional issue is raised.

SO ORDERED.



Jack B. Weinstein
Senior District Judge, Eastern District of New York

Dated: October 1, 2012
Brooklyn, New York

